

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA

v.

OSCAR BERRY

§  
§  
§  
§  
§

No. 6:13CR31

**INFORMATION**

THE UNITED STATES ATTORNEY CHARGES:

**General Allegations**

At all times relevant to this Information:

1. Glass, Molders, Pottery, Plastics & Allied Workers International Union (AFL-CIO, CLC), Local Union No. 284, was a Labor Organization as defined in the Labor-Management Reporting Disclosure Act of 1959 (LMRDA), 29 U.S.C. 401, et seq.
2. Local 284 was engaged in an industry affecting interstate and foreign commerce.

**COUNT 1**

Violation: 29 U.S.C. § 501(c)  
(Embezzlement and Theft of  
Labor Union Assets)

1. The General Allegations section of this Information is realleged and incorporated by reference as though fully set forth herein.
2. Beginning in or around April 2000, and continuing without interruption until in or around June 2011, in the Eastern District of Texas, the defendant, **Oscar Berry**, while an officer, that is, President, of and a person employed, directly and

indirectly, by Glass, Molders, Pottery, Plastics & Allied Workers International Union (AFL-CIO, CLC), Local Union No. 284, a labor organization engaged in an industry affecting commerce, did embezzle and steal and unlawfully and willfully abstract and convert to his own use and the use of another the moneys, funds, property, and other assets of said labor organization in the approximate amount of \$124,181.77, in violation of 29 U.S.C. § 501(c).

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

**Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)**

1. The allegation contained in Count One of this information is realleged and incorporated by reference as though fully set forth herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant has an interest.

2. Upon conviction of any violation of 29 U.S.C. § 501(c), the defendant, **Oscar Berry**, shall forfeit to the United States any property, real or personal, that constitutes or is derived from proceeds traceable to a violation of any offense constituting "specified unlawful activity", or a conspiracy to commit such offense, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

3. The property which is subject to forfeiture, includes but is not limited to the following:

A money judgment in the amount of \$121,088.77, which represents proceeds traceable to the violation.

4. Pursuant to 21 U.S.C. § 853(p), as incorporated by reference by 18 U.S.C. § 982(b), if any of the forfeitable property, or any portion thereof, as a result of any act or omission of the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred, or sold to, or deposited with a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or


- e. Has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek the forfeiture of other property of the defendant up to the value of the above-described forfeitable properties, including, but not limited to, any identifiable property in the name of **Oscar Berry**.

5. By virtue of the commission of the offenses alleged in this information, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and the procedures set forth at 21 U.S.C. § 853, as made applicable through 18 U.S.C. § 982(b)(1).

JOHN M. BALES  
UNITED STATES ATTORNEY

*for*   
/s/ Nathaniel C. Kummerfeld *AUSA*  
NATHANIEL C. KUMMERFELD  
ASSISTANT UNITED STATES ATTORNEY

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**NOTICE OF PENALTY**

**COUNT 1**

**VIOLATION:**

Title 29, United States Code, Section 501(c)  
Embezzlement and Theft of Labor Union Assets

**PENALTY:**

Imprisonment of not more than five years, and/or a fine of  
\$250,000 to be followed by not more than three (3) years  
supervised release.

**SPECIAL ASSESSMENT:** \$100.00